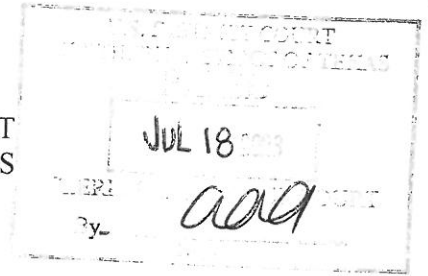


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



UNITED STATES OF AMERICA

v.

NO. 3:19-CR-230-S

THOMAS GERALD O'DONNELL

**AMENDED REPORT & RECOMMENDATION OF THE UNITED STATES
MAGISTRATE JUDGE AND DEFENDANT'S WAIVER OF RIGHT TO OBJECT**

Defendant THOMAS GERALD O'DONNELL, is charged in a petition with a violation of the terms of his supervised release. On this date, the United States magistrate judge conducted a revocation hearing. Defendant appeared in person and represented by counsel. Based on Defendant's plea of true to the allegations in the petition and the evidence and arguments offered at the hearing, the magistrate judge recommends the United States District Judge:

- ☒ find Defendant violated the terms of his supervised release;
- ☒ revoke Defendant's supervised release;
- ☒ impose a sentence of an additional term of imprisonment of 7 months, with credit for time served in federal custody prior to revocation,
- ☒ impose a further term of 29 months of supervised release to follow, which is consistent with 18 U.S.C. § 3583(h) & (k), and impose the mandatory and additional conditions stated on the record (attached); and
- ☒ the additional term of imprisonment to run concurrent with the punishment imposed in 3:19-cr-560-S.

SO RECOMMENDED.

July 6, 2023

Date


REBECCA RUTHERFORD
UNITED STATES MAGISTRATE JUDGE

In open court, the magistrate judge informed Defendant that any recommendation of revocation of supervised release, and the imposition of any sentence, is subject to the approval of the United States District Judge, and that Defendant may object to the magistrate judge's recommendation before any additional sentence is imposed.

I, Defendant THOMAS GERALD O'DONNELL, hereby

- ☒ waive my right to object to the report and recommendation of the magistrate judge.
- ☐ do NOT waive my right to object to the report and recommendation of the magistrate judge.

Date

7/11/23

Defendant

Defense Counsel

Consented to by United States


Assistant U.S. Attorney

Mandatory Conditions:

1. The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. The defendant shall not commit another federal, state, or local crime.
3. The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the Court.
4. The defendant shall also comply with the standard conditions recommended by the U.S. Sentencing Commission and shall comply with the following additional conditions:

Additional Conditions:

1. The defendant shall participate in a program (inpatient and/or outpatient) approved by the U.S. Probation Office for treatment of narcotic, drug, or alcohol dependency, which will include testing for the detection of substance use or abuse. The defendant shall abstain from the use of alcohol and/or all other intoxicants during and after completion of treatment. The defendant shall contribute to the costs of services rendered (copayment) at a rate of at least \$20.00 per month.
2. The defendant shall participate in sex offender treatment services as directed by the probation officer until successfully discharged. These services may include psycho-physiological testing (i.e., clinical polygraph, plethysmograph, and the ABEL screen) to monitor the defendant's compliance, treatment progress, and risk to the community. The defendant shall contribute to the costs of services rendered (copayment) at a rate of at least \$25.00 per month.
3. The defendant shall not use any software program or device designed to hide, alter, or delete records and/or logs of the defendant's computer use, Internet activities, or files stored on the defendant's computer.
4. The defendant shall neither possess nor have under his/her control any sexually oriented, or sexually stimulating materials of adults or children. This may include visual, auditory, telephonic, electronic media, email, chat communications, instant messaging, or computer programs. The defendant shall not patronize any place where such material or entertainment is available. The defendant shall not use any sex-related telephone numbers.
5. The defendant shall register with state and local law enforcement, as directed by the probation officer, in each jurisdiction where the defendant resides, is employed, or is a student. The defendant shall provide all information required in accordance with state registration guidelines. Initial registration shall be completed within 3 business days after release from confinement. The defendant shall provide written verification of registration to the probation officer within 3 business days following registration. This registration shall be renewed as required by the defendant's assigned tier. The defendant shall, no later than 3 business days after each change of name, residence, employment, or student status, appear in person in at least one jurisdiction and inform that jurisdiction of all changes in the information required in the sex offender registry.
6. The defendant shall not have any form of unsupervised contact with persons under the age of 18 at any location, including but not limited to, the defendant's residence, place of employment, and public places where minors frequent or congregate, without prior permission of the probation officer.
7. The defendant shall not possess, have access to, or utilize a computer or internet connection device, including, but not limited to Xbox, PlayStation, Nintendo, or similar devices, without permission

of the probation officer. This condition requires preapproval for categories of computer or Internet access or use; it does not require separate pre-use approval every time the defendant accesses or uses a computer of the Internet.

8. The defendant shall submit to a search of his person, property, house, vehicle, papers, computer, and other electronic communication or data storage devices or media at any time, with or without a warrant, by any law enforcement officer or probation officer who has reasonable suspicion concerning unlawful conduct or a violation of a condition of supervised release. Any such items found may be seized by the probation officer.
9. The defendant shall not maintain or create a user account on any social networking site (i.e. MySpace.com, Facebook.com, Adultfriendfinder.com, etc.) that allows access to persons under the age of 18, or allows for the exchange of sexually explicit material, chat conversations, or instant messaging. The defendant shall not view and/or access any web profile of users under the age of 18.
10. The defendant shall not use or possess a web cam or any other hardware that allows for the exchange of video or photographs online.
11. The defendant shall submit a blood sample as directed by the U.S. Probation Officer, to be included in the State Sex Offender DNA Data Bank. The defendant shall pay for the cost of such services.
12. The defendant shall not use or own any device (whether or not at his/her place of employment, residence, or elsewhere) that can be connected to the Internet or used to store digital materials other than that authorized by the probation officer. This includes, but is not limited to, desktop computers, laptops, PDA's, electronic games, and cellular telephones. The defendant shall not use any device other than the one the defendant is authorized to use. The defendant shall allow the U.S. Probation Office to install software designed to monitor activities. This may include, but is not limited to, software that may record any and all activity on the computers the defendant may use, including the capture of keystrokes, application information, Internet use history, email correspondence, and chat conversations. The defendant will pay any costs related to the monitoring of his/her computer usage.
13. The defendant shall reside in the residential re-entry center and successfully participate in the residential re-entry center program located at the RRC Volunteers of America, 800 W. Wintergreen Rd, Hutchins, Texas, 75141 for a period of no more than 180 days, to be released at the direction of the probation officer. Passes to assist the defendant in completing the program and/or re-entering the community may be issued with approval of the probation officer and/or the program review team.